

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

LENORA PERRINE, et al.,

Plaintiffs,

v.

Case No. 04-C-296-2

Judge Thomas A. Bedell

E. I. DUPONT DE NEMOURS &
COMPANY, et al.,

Defendants.

FINAL ORDER APPROVING CERTAIN
ASPECTS OF SETTLEMENT ADMINISTRATION

Presently pending before the Court are:

- (a) The January 28, 2011 initial medical monitoring and property remediation time lines and punch lists submitted to the Court by the Claims Administrator;
- (b) A nomination from Class Counsel of Virginia Buchanan to serve as its Finance Committee Representative and a nomination from DuPont for Stephanie D. Thacker to serve as its Finance Committee Representative;
- (c) The February 9, 2011 Claimants Advisory Committee In-Class Area nominations received from the Claims Administrator;
- (d) The Claims Administrator's February 9, 2011, Nomination for Town Meeting Property Clean-Up Technical Advisor;
- (e) The initial budget for the Medical Monitoring and Property Remediation Programs (through the six month medical monitoring sign up period), together with the Medical Monitoring and Property Remediation Fund written accounting internal controls, payment vouchering procedures and written investment policy, submitted by the Claims Administrator to the Court on February 4, 2011; and

(f) The Class Member notice and medical monitoring registration* forms and eligibility criteria, and notice of Medical Monitoring registration and property remediation design town meetings to be held during the weeks of February 28 and March 7, 2011 submitted by the Claims Administrator on February 7, 2011, which contemplate a payment of \$200 to medical monitoring class members after they register and are verified as Class Members, with the balance, if any, to be paid at the end of registration.

After a careful review of the initial medical monitoring and property remediation time lines and punch lists submitted by the Claims Administrator, and in consideration of the applicable law, the Court **ORDERS** that the same are hereby **APPROVED** and shall be used in the initial administration of the Settlement.

The nominations for Settlement Finance Committee Party Representatives are well taken, with the initial members of the Finance Committee to be Virginia Buchanan for the Class Members, Stephanie D. Thacker for DuPont, and Ed Gentle, the Claims Administrator.

After careful review of the Claims Administrator's nominations for In-class Area Claimants Advisory Committee members, the Court hereby **APPROVES** the selection of Lenora Perrine, Reverend Joe Bradshaw, Carolyn Holbert, Mary Luzader and Richard Desist to serve on the Claimants Advisory Committee as In-Class Area members, and the Court appoints Meredith McCarthy, Esq., the Guardian Ad Litem for Children, to serve on the Claimants Advisory Committee as a Member at Large representing children that live in the Class Area and outside of the Class Area.

* Registration means proving medical monitoring Class membership. It does not require participation in the medical monitoring testing program.

According to the Claims Administrator's report on this subject, Ms. Waunona Crowser and Ms. Rebecca Morlock would like to serve on the Claimants Advisory Committee and are Class representatives in the underlying litigation which resulted in this Settlement. However, the Court takes judicial notice of the fact that they have independent personal injury lawsuits against DuPont, possibly preventing DuPont's attendance at Claimants Advisory Committee meetings. Ms. Crowser and Ms. Morlock shall be contacted immediately by the Claims Administrator by telephone and in writing, provided a copy of this Order, and invited to provide submissions to the Court on or before February 20, 2011 stating why they believe they should serve on the Claimants Advisory Committee, with DuPont being invited to provide a response if they care to do so by February 28, 2011. Following careful consideration of these submissions, the Court will either schedule a hearing or render a decision based upon the submissions if no further information is needed to aid the Court in making its ruling.

The Claims Administrator and both Parties' Representatives on the Finance Committee hereby join in recommending that the Court approve and adopt the proposed Medical Monitoring Registration Form, separate Medical Monitoring and Property Remediation Program Publication Notices, and Letter notifying in-Class Area residents of the Medical Monitoring Registration Program and inviting them to town meetings during the weeks of February 28 and March 7 at the Spelter Volunteer Fire Department in Spelter, West Virginia, to help Class Members to complete their Medical Monitoring registration forms and to obtain property Class Member input on property remediation program design.

After a careful review of the Medical Monitoring Registration Form, the Medical Monitoring and Property Remediation Publication Notices, and Town Meeting Letter, submitted on February

7, 2011, and consideration of the applicable law, the Court **ORDERS** that the same are hereby **APPROVED** and shall be used in the administration of the Settlement.

The Court notes that the Town Meeting Letter and the publication notice for the Medical Monitoring Program contemplate that, after Medical Monitoring Class members register and their membership in the Medical Monitoring Class is verified, they will receive an initial cash payment of \$200, with the balance of available Medical Monitoring cash payments, if any, to be paid at the end of registration, and with the amount thereof to be determined based upon the number of verified Medical Monitoring Class members. This is double the amount cited in the Medical Monitoring time line submitted to Court on January 18, 2011. Noting that the budget for Medical Monitoring through the completion of the registration process contemplates expenses for the Medical Monitoring Fund of well below \$1 million, so that at least \$3 million for such cash payments will be available, and noting that, at \$200 per Class member, there are adequate reserves for up to 15,000 verified Class members, and further observing that the initially contemplated number of potential Class members is 8,500 based upon the Claims Administrator's Special Master's Report Number 1 on Medical Monitoring submitted to the Court, the Court hereby **ORDERS** that the payment of this initial \$200 cash payment to registering Medical Monitoring Class members is hereby **APPROVED** and shall be used in the administration of the Settlement.

The Claims Administrator and the Finance Committee join in recommending to the Court that Suggested Initial Budget for Medical Monitoring and Property Remediation (through the six month sign up period for Medical Monitoring) and the Medical Monitoring and Property Remediation Fund written accounting internal controls, payment vouchering procedures and written investment policy be approved and adopted for administration of the Settlement, with one caveat.

The lone dispute between the Parties about the budget is whether Finance Committee members should be paid by the Settlement.

Accordingly, the Parties join in recommending that the Court adopt the following briefing schedule for the dispute over reimbursement of the members of the Finance Committee: Initial Briefs by both Parties shall be submitted on or before February 14, 2011, and Reply Briefs, if any, shall be submitted on or before February 17, 2011. Further, the Parties join in recommending that each shall serve the other with an electronic copy of their submissions upon filing, to facilitate the rapid turnaround imposed by the short Reply Brief deadline.

After a review of this recommendation, the Court hereby **ORDERS** that the Suggested Initial Budget, together with the accompanying written accounting internal controls, vouchering procedures, and written investment policy be **APPROVED** as to all items not related to Finance Committee member reimbursement, and the Claims Administrator may proceed and operate under Suggested Initial Budget, except as to Finance Committee member reimbursement, because the appropriateness of the same has not yet been determined by the Court.

Following careful consideration of the submitted Briefs and Replies as to Finance Committee member reimbursement, the Court will either schedule a hearing or render a decision based upon the submissions if no further information is needed to aid the Court in making its ruling.

Next, the Parties join in recommending to the Court that the Claims Administrator should hire Marc Glass, as a Property Remediation Technical Advisor for the limited purpose of preparing for and attending the town meetings which are scheduled for the weeks of February 28, 2011, and March 7, 2011, to answer Class Members' questions as to issues related property remediation, and to help the Claims Administrator and Finance Committee make related recommendations to the

Court. The Finance Committee and Claims Administrator have interviewed Mr. Glass, along with six (6) other candidates, and find him to be well suited for the position. Additionally, Mr. Glass met with members of the Claimants Advisory Committee on February 4, 2011, along with another candidate for the position, and the Advisory Committee unanimously voted to hire Mr. Glass.

Accordingly, the Court hereby **ORDERS** that the Claims Administrator may hire Mr. Glass as a technical advisor to prepare for and attend the town meetings and answer Class Members' questions as to issues related to property remediation, and to facilitate subsequent related recommendations to the Court.

Lastly, pursuant to Rule 54(b) of the West Virginia Rules of Civil Procedure, the Court directs entry of this Order as a Final Order as to the claims and issues above upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment.

IT IS SO ORDERED.

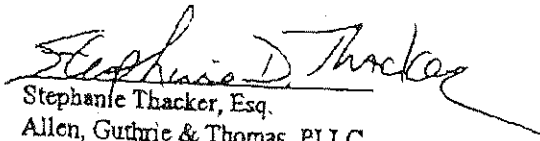
The Clerk of this Court shall provide certified copies of this Order to the following:

Stephanie Thacker, Esq.
 Allen, Guthrie & Thomas, PLLC
 P.O. Box 3394
 Charleston, WV 25333-3394
 DuPont's Finance Committee Representative

Meredith McCarthy, Esq.
 Guardian Ad Litem for Children
 901 W. Main St.
 Bridgeport, WV 26330

Virginia Buchanan, Esq.
 Levin, Papantonio, Thomas, Mitchell,
 Rafferty & Proctor, P.A.
 P.O. Box 12308
 Pensacola, FL 32591
 Plaintiffs' Finance Committee Representative

This Order Agreed to By:



Stephanie Thacker, Esq.
Allen, Guthrie & Thomas, PLLC
P.O. Box 3394
Charleston, WV 25333-3394
DuPont's Finance Committee
Representative

Virginia Buchanan, Esq.
Levin, Papantonio, Thomas, Mitchell,
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Order Prepared By:

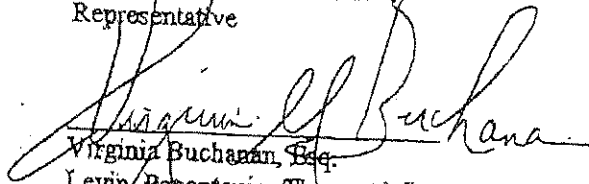
Edgar C. Gentle, III, Claims Administrator
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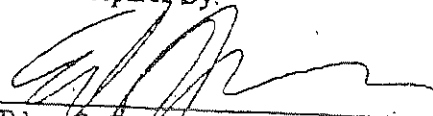
This Order Agreed to By:

Stephanie Thacker, Esq.
Allen, Guthrie & Thomas, PLLC
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DuPont's Finance Committee
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Virginia Buchanan, Esq.
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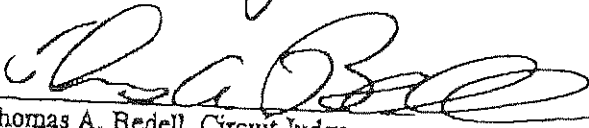
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ENTER: February 10, 2011



Thomas A. Bedell, Circuit Judge